

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

LORINDA BROWN,

CASE NO.: 4:09-cv-03088-WKU

Plaintiff,

vs.

GRANDMOTHER'S, INC., a  
Nebraska corporation,

JOINT MOTION FOR EXTENSION  
OF DEADLINE

Defendant.

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COME NOW, Defendant GRANDMOTHER'S, INC., a Nebraska corporation, and Plaintiff LORINDA BROWN move the Court for an Order extending the deadline set by this Court's Order of July 16, 2009 for Defendant to file a motion addressing whether this case should be dismissed for lack of standing under Rules 12(b)(1) and/or 12(b)(6) of the Federal Rules of Civil Procedure, from October 1, 2009 to November 6, 2009. In support of this Joint Motion, the parties stipulate as follows:

1. Following this Court's Order of July 16, 2009 allowing Plaintiff to perform a Rule 34 site inspection of Defendant's property limited to the issue of standing, and following Plaintiff's inspection of said property on August 7, 2009, Defendant issued Defendant's Third Request For Production of Documents to Plaintiff on August 7, 2009, requesting the report or draft report of Plaintiff's expert who accompanied Plaintiff's counsel on said site inspection that Plaintiff's counsel and Plaintiff's expert indicated would be provided to Defendant in time sufficient for Defendant to file a motion to dismiss by this Court's October 1, 2009 deadline, as the discovery requests and anticipated responses go to the issue of standing.

2. Due to a delay in Plaintiff's expert drafting the requested report, Plaintiff was unable to produce the requested report to Defendant until September 25, 2009. As a result, insufficient time has been allowed for Defendant to review said report and to determine whether and how it will pursue a motion to dismiss.

3. The parties wish to use the time prior to November 6, 2009 to find an amicable resolution to this matter if possible, or, failing in that, for Defendant to prepare a motion to dismiss and brief in support thereof.

WHEREFORE, the parties jointly request that an Order be entered extending the deadline set by this Court's Order of July 16, 2009 for Defendant to file a motion addressing whether this case should be dismissed for lack of standing under Rules 12(b)(1) and/or 12(b)(6) of the Federal Rules of Civil Procedure, from October 1, 2009 to November 6, 2009.

Dated: Sept. 25, 2009

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 25<sup>th</sup> day of September, 2009, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system which sent notification of such filing to the following:

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